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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,	) Magistrate Case No. 08 MJ 1462
Plaintiff,	)
	) COMPLAINT FOR VIOLATION OF:
v.	)
	) Title 8, U.S.C., Section 1326;
Juan Antonio MARTINEZ-Balderas	
	) Deported Alien Found in the United States
Defendant.	)

The undersigned complainant, being duly sworn, states:

On or about, **December 2, 2007**, within the Southern District of California, the defendant, **Juan Antonio MARTINEZ-Balderas**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent,
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **9th** DAY OF **May 2008.**

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: MARTINEZ-Balderas, Juan Antonio

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PROBABLE CAUSE STATEMENT

On December 2, 2007, the defendant identified as, Juan Antonio MARTINEZ-Balderas, was arrested in Escondido, California, by the Escondido Police Department for violation of various state charges, including 243(E)(1) PC "BATTERY: SPOUSE/EX SP/DATE/ETC" and booked into Vista Jail. On December 6, 2007, an Immigration Enforcement Agent with Immigration and Customs Enforcement (ICE), determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On May 8, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant, confirming him to be a citizen of Mexico having been previously removed from the United States on at least four occasions.

A thorough review of official immigration computer database record checks and information contained within the Alien Registration file, revealed that the defendant was ordered deported or removed from the United States by an Immigration Judge on or about October 25, 2005, removed to Mexico on or about October 25, 2005 and most recently removed from the United States on or about August 14, 2007. Record checks and statements made by defendant further indicate that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, Juan Antonio MARTINEZ-Balderas, a citizen and national of Mexico.

The defendant was admonished as to his rights per "MIRANDA", acknowledged and waived those rights, and elected to answer questions without counsel present. The defendant admitted that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant admitted that he unlawfully entered the United States on an unknown date in November 2007 near Tecate, California, and further admitted that he has no legal right to enter or reside within the United States.

Based upon the foregoing information, there is probable cause to believe that, Juan Antonio MARTINEZ-Balderas, has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.